

By: Peña, White of Tyler, Moody, Lucio III,
et al.

H.B. No. 1530

Substitute the following for H.B. No. 1530:

By: Herrero

C.S.H.B. No. 1530

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for certain offenses against property or
against public administration.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 28.03(b), (f), (h), and (j), Penal
Code, are amended to read as follows:

(b) Except as provided by Subsections (f) and (h), an
offense under this section is:

(1) a Class C misdemeanor if:

(A) the amount of pecuniary loss is less than
\$100 [~~\$50~~]; or

(B) except as provided in Subdivision (3)(A) or
(3)(B), it causes substantial inconvenience to others;

(2) a Class B misdemeanor if the amount of pecuniary
loss is \$100 [~~\$50~~] or more but less than \$750 [~~\$500~~];

(3) a Class A misdemeanor if:

(A) the amount of pecuniary loss is \$750 [~~\$500~~]
or more but less than \$2,500 [~~\$1,500~~]; or

(B) the actor causes in whole or in part
impairment or interruption of any public water supply, or causes to
be diverted in whole, in part, or in any manner, including
installation or removal of any device for any such purpose, any
public water supply, regardless of the amount of the pecuniary
loss;

(4) a state jail felony if the amount of pecuniary loss is:

(A) \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

(B) less than \$2,500 [~~\$1,500~~], if the property damaged or destroyed is a habitation and if the damage or destruction is caused by a firearm or explosive weapon;

(C) less than \$2,500 [~~\$1,500~~], if the property was a fence used for the production or containment of:

(i) cattle, bison, horses, sheep, swine, goats, exotic livestock, or exotic poultry; or

(ii) game animals as that term is defined by Section [63.001](#), Parks and Wildlife Code; or

(D) less than \$30,000 [~~\$20,000~~] and the actor causes wholly or partly impairment or interruption of public communications, public transportation, public gas or power supply, or other public service, or causes to be diverted wholly, partly, or in any manner, including installation or removal of any device for any such purpose, any public communications or public gas or power supply;

(5) a felony of the third degree if the amount of the pecuniary loss is \$30,000 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~];

(6) a felony of the second degree if the amount of pecuniary loss is \$150,000 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~]; or

(7) a felony of the first degree if the amount of

1 pecuniary loss is \$300,000 [~~\$200,000~~] or more.

2 (f) An offense under this section is a state jail felony if
3 the damage or destruction is inflicted on a place of worship or
4 human burial, a public monument, or a community center that
5 provides medical, social, or educational programs and the amount of
6 the pecuniary loss to real property or to tangible personal
7 property is \$750 or more but less than \$30,000 [~~\$20,000~~].

8 (h) An offense under this section is a state jail felony if
9 the amount of the pecuniary loss to real property or to tangible
10 personal property is \$750 [~~\$1,500~~] or more but less than \$30,000
11 [~~\$20,000~~] and the damage or destruction is inflicted on a public or
12 private elementary school, secondary school, or institution of
13 higher education.

14 (j) Notwithstanding Subsection (b), an offense under this
15 section is a felony of the third degree if:

16 (1) the tangible property damaged, destroyed, or
17 tampered with is transportation communications equipment or a
18 transportation communications device; and

19 (2) the amount of the pecuniary loss to the tangible
20 property is less than \$150,000 [~~\$100,000~~].

21 SECTION 2. Section 28.06(d), Penal Code, is amended to read
22 as follows:

23 (d) If the amount of pecuniary loss cannot be ascertained by
24 the criteria set forth in Subsections (a) through (c), the amount of
25 loss is deemed to be greater than \$750 [~~\$500~~] but less than \$2,500
26 [~~\$1,500~~].

27 SECTION 3. Section 28.07(e), Penal Code, is amended to read

1 as follows:

2 (e) An offense under Subsection (b)(2)(B), (b)(2)(C), or
3 (b)(2)(D) is a Class C misdemeanor unless the person causes
4 pecuniary loss of \$100 or more, in which event the offense is:

5 (1) a Class B misdemeanor if the amount of pecuniary
6 loss is \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

7 (2) a Class A misdemeanor if the amount of pecuniary
8 loss is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

9 (3) a state jail felony if the amount of pecuniary loss
10 is \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

11 (4) a felony of the third degree if the amount of the
12 pecuniary loss is \$30,000 [~~\$20,000~~] or more but less than \$150,000
13 [~~\$100,000~~];

14 (5) a felony of the second degree if the amount of
15 pecuniary loss is \$150,000 [~~\$100,000~~] or more but less than
16 \$300,000 [~~\$200,000~~]; or

17 (6) a felony of the first degree if the amount of the
18 pecuniary loss is \$300,000 [~~\$200,000~~] or more.

19 SECTION 4. Sections 28.08(b) and (d), Penal Code, are
20 amended to read as follows:

21 (b) Except as provided by Subsection (d), an offense under
22 this section is:

23 (1) a Class C misdemeanor if the amount of pecuniary
24 loss is less than \$100;

25 (2) a Class B misdemeanor if the amount of pecuniary
26 loss is \$100 or more but less than \$750 [~~\$500~~];

27 (3) [~~(2)~~] a Class A misdemeanor if the amount of

pecuniary loss is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

(4) [~~(3)~~] a state jail felony if the amount of pecuniary loss is \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

(5) [~~(4)~~] a felony of the third degree if the amount of pecuniary loss is \$30,000 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~];

(6) [~~(5)~~] a felony of the second degree if the amount of pecuniary loss is \$150,000 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~]; or

(7) [~~(6)~~] a felony of the first degree if the amount of pecuniary loss is \$300,000 [~~\$200,000~~] or more.

(d) An offense under this section is a state jail felony if:

(1) the marking is made on a school, an institution of higher education, a place of worship or human burial, a public monument, or a community center that provides medical, social, or educational programs; and

(2) the amount of the pecuniary loss to real property or to tangible personal property is \$750 or more but less than \$30,000 [~~\$20,000~~].

SECTION 5. Article [14.06](#)(d), Code of Criminal Procedure, is amended to read as follows:

(d) Subsection (c) applies only to a person charged with committing an offense under:

(1) Section [481.121](#), Health and Safety Code, if the offense is punishable under Subsection (b)(1) or (2) of that section;

1 (1-a) Section 481.1161, Health and Safety Code, if the
2 offense is punishable under Subsection (b)(1) or (2) of that
3 section;

4 (2) Section 28.03, Penal Code, if the offense is
5 punishable under Subsection (b)(2) of that section;

6 (3) Section 28.08, Penal Code, if the offense is
7 punishable under Subsection (b)(2) or (3) ~~[(b)(1)]~~ of that section;

8 (4) Section 31.03, Penal Code, if the offense is
9 punishable under Subsection (e)(2)(A) of that section;

10 (5) Section 31.04, Penal Code, if the offense is
11 punishable under Subsection (e)(2) of that section;

12 (6) Section 38.114, Penal Code, if the offense is
13 punishable as a Class B misdemeanor; or

14 (7) Section 521.457, Transportation Code.

15 SECTION 6. Section 31.03(e), Penal Code, is amended to read
16 as follows:

17 (e) Except as provided by Subsection (f), an offense under
18 this section is:

19 (1) a Class C misdemeanor if the value of the property
20 stolen is less than \$100 ~~+~~

21 ~~[(A) \$50, or~~

22 ~~[(B) \$20 and the defendant obtained the property~~
23 ~~by issuing or passing a check or similar sight order in a manner~~
24 ~~described by Section 31.06];~~

25 (2) a Class B misdemeanor if:

26 (A) the value of the property stolen is \$100 ~~+~~

27 ~~[(i) \$50]~~ or more but less than \$750 ~~[\$500,~~

1 ~~or~~

2 ~~[(ii) \$20 or more but less than \$500 and the~~
3 ~~defendant obtained the property by issuing or passing a check or~~
4 ~~similar sight order in a manner described by Section 31.06];~~

5 (B) the value of the property stolen is less than
6 \$100~~+~~

7 ~~[(i) \$50]~~ and the defendant has previously
8 been convicted of any grade of theft; or

9 ~~[(ii) \$20, the defendant has previously~~
10 ~~been convicted of any grade of theft, and the defendant obtained the~~
11 ~~property by issuing or passing a check or similar sight order in a~~
12 ~~manner described by Section 31.06; or]~~

13 (C) the property stolen is a driver's license,
14 commercial driver's license, or personal identification
15 certificate issued by this state or another state;

16 (3) a Class A misdemeanor if the value of the property
17 stolen is \$750 ~~[\$500]~~ or more but less than \$2,500 ~~[\$1,500]~~;

18 (4) a state jail felony if:

19 (A) the value of the property stolen is \$2,500
20 ~~[\$1,500]~~ or more but less than \$30,000 ~~[\$20,000]~~, or the property is
21 less than 10 head of sheep, swine, or goats or any part thereof
22 under the value of \$30,000 ~~[\$20,000]~~;

23 (B) regardless of value, the property is stolen
24 from the person of another or from a human corpse or grave,
25 including property that is a military grave marker;

26 (C) the property stolen is a firearm, as defined
27 by Section 46.01;

(D) the value of the property stolen is less than \$2,500 [~~\$1,500~~] and the defendant has been previously convicted two or more times of any grade of theft;

(E) the property stolen is an official ballot or official carrier envelope for an election; or

(F) the value of the property stolen is less than \$30,000 [~~\$20,000~~] and the property stolen is:

(i) aluminum;

(ii) bronze;

(iii) copper; or

(iv) brass;

(5) a felony of the third degree if the value of the property stolen is \$30,000 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~], or the property is:

(A) cattle, horses, or exotic livestock or exotic fowl as defined by Section [142.001](#), Agriculture Code, stolen during a single transaction and having an aggregate value of less than \$150,000 [~~\$100,000~~]; or

(B) 10 or more head of sheep, swine, or goats stolen during a single transaction and having an aggregate value of less than \$150,000 [~~\$100,000~~];

(6) a felony of the second degree if:

(A) the value of the property stolen is \$150,000 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~]; or

(B) the value of the property stolen is less than \$300,000 [~~\$200,000~~] and the property stolen is an automated teller machine or the contents or components of an automated teller

1 machine; or

2 (7) a felony of the first degree if the value of the
3 property stolen is \$300,000 [~~\$200,000~~] or more.

4 SECTION 7. Sections 31.04(b) and (e), Penal Code, are
5 amended to read as follows:

6 (b) For purposes of this section, intent to avoid payment is
7 presumed if:

8 (1) the actor absconded without paying for the service
9 or expressly refused to pay for the service in circumstances where
10 payment is ordinarily made immediately upon rendering of the
11 service, as in hotels, campgrounds, recreational vehicle parks,
12 restaurants, and comparable establishments;

13 (2) the actor failed to make payment under a service
14 agreement within 10 days after receiving notice demanding payment;

15 (3) the actor returns property held under a rental
16 agreement after the expiration of the rental agreement and fails to
17 pay the applicable rental charge for the property within 10 days
18 after the date on which the actor received notice demanding
19 payment; or

20 (4) the actor failed to return the property held under
21 a rental agreement:

22 (A) within five days after receiving notice
23 demanding return, if the property is valued at less than \$2,500
24 [~~\$1,500~~]; or

25 (B) within three days after receiving notice
26 demanding return, if the property is valued at \$2,500 [~~\$1,500~~] or
27 more.

(e) An offense under this section is:

(1) a Class C misdemeanor if the value of the service stolen is less than \$100 [~~\$20~~];

(2) a Class B misdemeanor if the value of the service stolen is \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

(3) a Class A misdemeanor if the value of the service stolen is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

(4) a state jail felony if the value of the service stolen is \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

(5) a felony of the third degree if the value of the service stolen is \$30,000 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~];

(6) a felony of the second degree if the value of the service stolen is \$150,000 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~]; or

(7) a felony of the first degree if the value of the service stolen is \$300,000 [~~\$200,000~~] or more.

SECTION 8. Section 31.08(c), Penal Code, is amended to read as follows:

(c) If property or service has value that cannot be reasonably ascertained by the criteria set forth in Subsections (a) and (b), the property or service is deemed to have a value of \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~].

SECTION 9. Sections 31.16(c) and (d), Penal Code, are amended to read as follows:

(c) An offense under this section is:

(1) a Class C misdemeanor if the total value of the

merchandise involved in the activity is less than \$100;

(2) a Class B misdemeanor if the total value of the merchandise involved in the activity is \$100 or more but less than \$750 [~~\$50~~];

(3) [~~(2)~~] a Class A misdemeanor if the total value of the merchandise involved in the activity is \$750 [~~\$50~~] or more but less than \$2,500 [~~\$500~~];

(4) [~~(3)~~] a state jail felony if the total value of the merchandise involved in the activity is \$2,500 [~~\$500~~] or more but less than \$30,000 [~~\$1,500~~];

(5) [~~(4)~~] a felony of the third degree if the total value of the merchandise involved in the activity is \$30,000 [~~\$1,500~~] or more but less than \$150,000 [~~\$20,000~~];

(6) [~~(5)~~] a felony of the second degree if the total value of the merchandise involved in the activity is \$150,000 [~~\$20,000~~] or more but less than \$300,000 [~~\$100,000~~]; or

(7) [~~(6)~~] a felony of the first degree if the total value of the merchandise involved in the activity is \$300,000 [~~\$100,000~~] or more.

(d) An offense described for purposes of punishment by Subsections (c)(1)-(6) [~~(c)(1)-(5)~~] is increased to the next higher category of offense if it is shown on the trial of the offense that:

(1) the person organized, supervised, financed, or managed one or more other persons engaged in an activity described by Subsection (b); or

(2) during the commission of the offense, a person engaged in an activity described by Subsection (b) intentionally,

1 knowingly, or recklessly:

2 (A) caused a fire exit alarm to sound or
3 otherwise become activated;

4 (B) deactivated or otherwise prevented a fire
5 exit alarm or retail theft detector from sounding; or

6 (C) used a shielding or deactivation instrument
7 to prevent or attempt to prevent detection of the offense by a
8 retail theft detector.

9 SECTION 10. Section 32.02(c), Penal Code, is amended to
10 read as follows:

11 (c) If property or service has value that cannot be
12 reasonably ascertained by the criteria set forth in Subsections (a)
13 and (b), the property or service is deemed to have a value of \$750
14 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~].

15 SECTION 11. Section 32.23(e), Penal Code, is amended to
16 read as follows:

17 (e) An offense under this section is a:

18 (1) Class C misdemeanor if the retail value of the item
19 or service is less than \$100 [~~\$20~~];

20 (2) Class B misdemeanor if the retail value of the item
21 or service is \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

22 (3) Class A misdemeanor if the retail value of the item
23 or service is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

24 (4) state jail felony if the retail value of the item
25 or service is \$2,500 [~~\$1,500~~] or more but less than \$30,000
26 [~~\$20,000~~];

27 (5) felony of the third degree if the retail value of

the item or service is \$30,000 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~];

(6) felony of the second degree if the retail value of the item or service is \$150,000 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~]; or

(7) felony of the first degree if the retail value of the item or service is \$300,000 [~~\$200,000~~] or more.

SECTION 12. Section 32.32(c), Penal Code, is amended to read as follows:

(c) An offense under this section is:

(1) a Class C misdemeanor if the value of the property or the amount of credit is less than \$100 [~~\$50~~];

(2) a Class B misdemeanor if the value of the property or the amount of credit is \$100 [~~\$50~~] or more but less than \$750 [~~\$500~~];

(3) a Class A misdemeanor if the value of the property or the amount of credit is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

(4) a state jail felony if the value of the property or the amount of credit is \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

(5) a felony of the third degree if the value of the property or the amount of credit is \$30,000 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~];

(6) a felony of the second degree if the value of the property or the amount of credit is \$150,000 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~]; or

(7) a felony of the first degree if the value of the property or the amount of credit is \$300,000 [~~\$200,000~~] or more.

SECTION 13. Sections 32.33(d) and (e), Penal Code, are amended to read as follows:

(d) An offense under Subsection (b) is a:

(1) Class C misdemeanor if the value of the property destroyed, removed, concealed, encumbered, or otherwise harmed or reduced in value is less than \$100 [~~\$20~~];

(2) Class B misdemeanor if the value of the property destroyed, removed, concealed, encumbered, or otherwise harmed or reduced in value is \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

(3) Class A misdemeanor if the value of the property destroyed, removed, concealed, encumbered, or otherwise harmed or reduced in value is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

(4) state jail felony if the value of the property destroyed, removed, concealed, encumbered, or otherwise harmed or reduced in value is \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

(5) felony of the third degree if the value of the property destroyed, removed, concealed, encumbered, or otherwise harmed or reduced in value is \$30,000 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~];

(6) felony of the second degree if the value of the property destroyed, removed, concealed, encumbered, or otherwise harmed or reduced in value is \$150,000 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~]; or

(7) felony of the first degree if the value of the property destroyed, removed, concealed, encumbered, or otherwise harmed or reduced in value is \$300,000 [~~\$200,000~~] or more.

(e) A person who is a debtor under a security agreement, and who does not have a right to sell or dispose of the secured property or is required to account to the secured party for the proceeds of a permitted sale or disposition, commits an offense if the person sells or otherwise disposes of the secured property, or does not account to the secured party for the proceeds of a sale or other disposition as required, with intent to appropriate (as defined in Chapter 31) the proceeds or value of the secured property. A person is presumed to have intended to appropriate proceeds if the person does not deliver the proceeds to the secured party or account to the secured party for the proceeds before the 11th day after the day that the secured party makes a lawful demand for the proceeds or account. An offense under this subsection is:

(1) a Class C misdemeanor if the proceeds obtained from the sale or other disposition are money or goods having a value of less than \$100 [~~\$20~~];

(2) a Class B misdemeanor if the proceeds obtained from the sale or other disposition are money or goods having a value of \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

(3) a Class A misdemeanor if the proceeds obtained from the sale or other disposition are money or goods having a value of \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

(4) a state jail felony if the proceeds obtained from the sale or other disposition are money or goods having a value of

1 \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

2 (5) a felony of the third degree if the proceeds
3 obtained from the sale or other disposition are money or goods
4 having a value of \$30,000 [~~\$20,000~~] or more but less than \$150,000
5 [~~\$100,000~~];

6 (6) a felony of the second degree if the proceeds
7 obtained from the sale or other disposition are money or goods
8 having a value of \$150,000 [~~\$100,000~~] or more but less than \$300,000
9 [~~\$200,000~~]; or

10 (7) a felony of the first degree if the proceeds
11 obtained from the sale or other disposition are money or goods
12 having a value of \$300,000 [~~\$200,000~~] or more.

13 SECTION 14. Section 32.34(f), Penal Code, is amended to
14 read as follows:

15 (f) An offense under Subsection (b)(1), (b)(2), or (b)(3)
16 is:

17 (1) a state jail felony if the value of the motor
18 vehicle is less than \$30,000 [~~\$20,000~~]; [~~or~~]

19 (2) a felony of the third degree if the value of the
20 motor vehicle is \$30,000 [~~\$20,000~~] or more but less than \$150,000;

21 (3) a felony of the second degree if the value of the
22 motor vehicle is \$150,000 or more but less than \$300,000; or

23 (4) a felony of the first degree if the value of the
24 motor vehicle is \$300,000 or more.

25 SECTION 15. Section 32.35(e), Penal Code, is amended to
26 read as follows:

27 (e) An offense under this section is a:

(1) Class C misdemeanor if the amount of the record of a sale is less than \$100 [~~\$20~~];

(2) Class B misdemeanor if the amount of the record of a sale is \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

(3) Class A misdemeanor if the amount of the record of a sale is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

(4) state jail felony if the amount of the record of a sale is \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

(5) felony of the third degree if the amount of the record of a sale is \$30,000 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~];

(6) felony of the second degree if the amount of the record of a sale is \$150,000 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~]; or

(7) felony of the first degree if the amount of the record of a sale is \$300,000 [~~\$200,000~~] or more.

SECTION 16. Section [32.441](#)(e), Penal Code, is amended to read as follows:

(e) An offense under this section is a:

(1) Class C misdemeanor if the value of the benefit is less than \$100 [~~\$20~~];

(2) Class B misdemeanor if the value of the benefit is \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

(3) Class A misdemeanor if the value of the benefit is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

(4) state jail felony if the value of the benefit is \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

1 (5) felony of the third degree if the value of the
2 benefit is \$30,000 [~~\$20,000~~] or more but less than \$150,000
3 [~~\$100,000~~];

4 (6) felony of the second degree if the value of the
5 benefit is \$150,000 [~~\$100,000~~] or more but less than \$300,000
6 [~~\$200,000~~]; or

7 (7) felony of the first degree if the value of the
8 benefit is \$300,000 [~~\$200,000~~] or more.

9 SECTION 17. Section 32.45(c), Penal Code, is amended to
10 read as follows:

11 (c) An offense under this section is:

12 (1) a Class C misdemeanor if the value of the property
13 misapplied is less than \$100 [~~\$20~~];

14 (2) a Class B misdemeanor if the value of the property
15 misapplied is \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

16 (3) a Class A misdemeanor if the value of the property
17 misapplied is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

18 (4) a state jail felony if the value of the property
19 misapplied is \$2,500 [~~\$1,500~~] or more but less than \$30,000
20 [~~\$20,000~~];

21 (5) a felony of the third degree if the value of the
22 property misapplied is \$30,000 [~~\$20,000~~] or more but less than
23 \$150,000 [~~\$100,000~~];

24 (6) a felony of the second degree if the value of the
25 property misapplied is \$150,000 [~~\$100,000~~] or more but less than
26 \$300,000 [~~\$200,000~~]; or

27 (7) a felony of the first degree if the value of the

property misapplied is \$300,000 [~~\$200,000~~] or more.

SECTION 18. Section 32.46(b), Penal Code, is amended to read as follows:

(b) An offense under Subsection (a)(1) is a:

(1) Class C misdemeanor if the value of the property, service, or pecuniary interest is less than \$100 [~~\$20~~];

(2) Class B misdemeanor if the value of the property, service, or pecuniary interest is \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

(3) Class A misdemeanor if the value of the property, service, or pecuniary interest is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

(4) state jail felony if the value of the property, service, or pecuniary interest is \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

(5) felony of the third degree if the value of the property, service, or pecuniary interest is \$30,000 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~];

(6) felony of the second degree if the value of the property, service, or pecuniary interest is \$150,000 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~]; or

(7) felony of the first degree if the value of the property, service, or pecuniary interest is \$300,000 [~~\$200,000~~] or more.

SECTION 19. Section 33.02(b-2), Penal Code, is amended to read as follows:

(b-2) An offense under Subsection (b-1) is:

1 (1) a Class C misdemeanor if the aggregate amount
2 involved is less than \$100;

3 (2) a Class B misdemeanor if the aggregate amount
4 involved is \$100 or more but less than \$750;

5 (3) a Class A misdemeanor if the aggregate amount
6 involved is \$750 or more but less than \$2,500;

7 (4) [~~(1)~~] a state jail felony if the aggregate amount
8 involved is \$2,500 or more but less than \$30,000 [~~\$20,000~~];

9 (5) [~~(2)~~] a felony of the third degree if the
10 aggregate amount involved is \$30,000 [~~\$20,000~~] or more but less
11 than \$150,000 [~~\$100,000~~];

12 (6) [~~(3)~~] a felony of the second degree if:

13 (A) the aggregate amount involved is \$150,000
14 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~];

15 (B) the aggregate amount involved is any amount
16 less than \$300,000 [~~\$200,000~~] and the computer, computer network,
17 or computer system is owned by the government or a critical
18 infrastructure facility; or

19 (C) the actor obtains the identifying
20 information of another by accessing only one computer, computer
21 network, or computer system; or

22 (7) [~~(4)~~] a felony of the first degree if:

23 (A) the aggregate amount involved is \$300,000
24 [~~\$200,000~~] or more; or

25 (B) the actor obtains the identifying
26 information of another by accessing more than one computer,
27 computer network, or computer system.

SECTION 20. Section 33A.02(b), Penal Code, is amended to read as follows:

(b) An offense under this section is:

(1) a Class C misdemeanor if the value of the telecommunications service used or diverted is less than \$100;

(2) a Class B misdemeanor if the value of the telecommunications service used or diverted is \$100 or more but less than \$750 [~~\$500~~];

(3) [~~(2)~~] a Class A misdemeanor if:
(A) the value of the telecommunications service used or diverted is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~]; or

(B) the value of the telecommunications service used or diverted is less than \$750 [~~\$500~~] and the defendant has been previously convicted of an offense under this chapter;

(4) [~~(3)~~] a state jail felony if:
(A) the value of the telecommunications service used or diverted is \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~]; or

(B) the value of the telecommunications service used or diverted is less than \$2,500 [~~\$1,500~~] and the defendant has been previously convicted two or more times of an offense under this chapter;

(5) [~~(4)~~] a felony of the third degree if the value of the telecommunications service used or diverted is \$30,000 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~];

(6) [~~(5)~~] a felony of the second degree if the value of

1 the telecommunications service used or diverted is \$150,000
2 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~]; or

3 (7) [~~(6)~~] a felony of the first degree if the value of
4 the telecommunications service used or diverted is \$300,000
5 [~~\$200,000~~] or more.

6 SECTION 21. Section 33A.04(b), Penal Code, is amended to
7 read as follows:

8 (b) An offense under this section is:

9 (1) a Class C misdemeanor if the value of the
10 telecommunications service obtained or attempted to be obtained is
11 less than \$100;

12 (2) a Class B misdemeanor if the value of the
13 telecommunications service obtained or attempted to be obtained is
14 \$100 or more but less than \$750 [~~\$500~~];

15 (3) [~~(2)~~] a Class A misdemeanor if:

16 (A) the value of the telecommunications service
17 obtained or attempted to be obtained is \$750 [~~\$500~~] or more but less
18 than \$2,500 [~~\$1,500~~]; or

19 (B) the value of the telecommunications service
20 obtained or attempted to be obtained is less than \$750 [~~\$500~~] and
21 the defendant has been previously convicted of an offense under
22 this chapter;

23 (4) [~~(3)~~] a state jail felony if:

24 (A) the value of the telecommunications service
25 obtained or attempted to be obtained is \$2,500 [~~\$1,500~~] or more but
26 less than \$30,000 [~~\$20,000~~]; or

27 (B) the value of the telecommunications service

obtained or attempted to be obtained is less than \$2,500 [~~\$1,500~~]
and the defendant has been previously convicted two or more times of
an offense under this chapter;

(5) [~~(4)~~] a felony of the third degree if the value of
the telecommunications service obtained or attempted to be obtained
is \$30,000 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~];

(6) [~~(5)~~] a felony of the second degree if the value of
the telecommunications service obtained or attempted to be obtained
is \$150,000 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~];

or

(7) [~~(6)~~] a felony of the first degree if the value of
the telecommunications service obtained or attempted to be obtained
is \$300,000 [~~\$200,000~~] or more.

SECTION 22. Section 34.02(e), Penal Code, is amended to
read as follows:

(e) An offense under this section is:

(1) a state jail felony if the value of the funds is
\$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

(2) a felony of the third degree if the value of the
funds is \$30,000 [~~\$20,000~~] or more but less than \$150,000
[~~\$100,000~~];

(3) a felony of the second degree if the value of the
funds is \$150,000 [~~\$100,000~~] or more but less than \$300,000
[~~\$200,000~~]; or

(4) a felony of the first degree if the value of the
funds is \$300,000 [~~\$200,000~~] or more.

SECTION 23. Section 35.02(c), Penal Code, is amended to

1 read as follows:

2 (c) An offense under Subsection (a) or (b) is:

3 (1) a Class C misdemeanor if the value of the claim is
4 less than \$100 [~~\$50~~];

5 (2) a Class B misdemeanor if the value of the claim is
6 \$100 [~~\$50~~] or more but less than \$750 [~~\$500~~];

7 (3) a Class A misdemeanor if the value of the claim is
8 \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

9 (4) a state jail felony if the value of the claim is
10 \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

11 (5) a felony of the third degree if the value of the
12 claim is \$30,000 [~~\$20,000~~] or more but less than \$150,000
13 [~~\$100,000~~];

14 (6) a felony of the second degree if the value of the
15 claim is \$150,000 [~~\$100,000~~] or more but less than \$300,000
16 [~~\$200,000~~]; or

17 (7) a felony of the first degree if:

18 (A) the value of the claim is \$300,000 [~~\$200,000~~]
19 or more; or

20 (B) an act committed in connection with the
21 commission of the offense places a person at risk of death or
22 serious bodily injury.

23 SECTION 24. Section [35.025](#)(b), Penal Code, is amended to
24 read as follows:

25 (b) If goods or services that are the subject of a claim
26 cannot be reasonably ascertained under Subsection (a), the goods or
27 services are considered to have a value of \$750 [~~\$500~~] or more but

1 less than \$2,500 [~~\$1,500~~].

2 SECTION 25. Section 35A.02(b), Penal Code, is amended to
3 read as follows:

4 (b) An offense under this section is:

5 (1) a Class C misdemeanor if the amount of any payment
6 or the value of any monetary or in-kind benefit provided or claim
7 for payment made under the Medicaid program, directly or
8 indirectly, as a result of the conduct is less than \$100 [~~\$50~~];

9 (2) a Class B misdemeanor if the amount of any payment
10 or the value of any monetary or in-kind benefit provided or claim
11 for payment made under the Medicaid program, directly or
12 indirectly, as a result of the conduct is \$100 [~~\$50~~] or more but
13 less than \$750 [~~\$500~~];

14 (3) a Class A misdemeanor if the amount of any payment
15 or the value of any monetary or in-kind benefit provided or claim
16 for payment made under the Medicaid program, directly or
17 indirectly, as a result of the conduct is \$750 [~~\$500~~] or more but
18 less than \$2,500 [~~\$1,500~~];

19 (4) a state jail felony if:

20 (A) the amount of any payment or the value of any
21 monetary or in-kind benefit provided or claim for payment made
22 under the Medicaid program, directly or indirectly, as a result of
23 the conduct is \$2,500 [~~\$1,500~~] or more but less than \$30,000
24 [~~\$20,000~~];

25 (B) the offense is committed under Subsection
26 (a)(11); or

27 (C) it is shown on the trial of the offense that

the amount of the payment or value of the benefit described by this subsection cannot be reasonably ascertained;

(5) a felony of the third degree if:

(A) the amount of any payment or the value of any monetary or in-kind benefit provided or claim for payment made under the Medicaid program, directly or indirectly, as a result of the conduct is \$30,000 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~]; or

(B) it is shown on the trial of the offense that the defendant submitted more than 25 but fewer than 50 fraudulent claims under the Medicaid program and the submission of each claim constitutes conduct prohibited by Subsection (a);

(6) a felony of the second degree if:

(A) the amount of any payment or the value of any monetary or in-kind benefit provided or claim for payment made under the Medicaid program, directly or indirectly, as a result of the conduct is \$150,000 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~]; or

(B) it is shown on the trial of the offense that the defendant submitted 50 or more fraudulent claims under the Medicaid program and the submission of each claim constitutes conduct prohibited by Subsection (a); or

(7) a felony of the first degree if the amount of any payment or the value of any monetary or in-kind benefit provided or claim for payment made under the Medicaid program, directly or indirectly, as a result of the conduct is \$300,000 [~~\$200,000~~] or more.

SECTION 26. Section 39.02(c), Penal Code, is amended to read as follows:

(c) An offense under Subsection (a)(2) is:

(1) a Class C misdemeanor if the value of the use of the thing misused is less than \$100 [~~\$20~~];

(2) a Class B misdemeanor if the value of the use of the thing misused is \$100 [~~\$20~~] or more but less than \$750 [~~\$500~~];

(3) a Class A misdemeanor if the value of the use of the thing misused is \$750 [~~\$500~~] or more but less than \$2,500 [~~\$1,500~~];

(4) a state jail felony if the value of the use of the thing misused is \$2,500 [~~\$1,500~~] or more but less than \$30,000 [~~\$20,000~~];

(5) a felony of the third degree if the value of the use of the thing misused is \$30,000 [~~\$20,000~~] or more but less than \$150,000 [~~\$100,000~~];

(6) a felony of the second degree if the value of the use of the thing misused is \$150,000 [~~\$100,000~~] or more but less than \$300,000 [~~\$200,000~~]; or

(7) a felony of the first degree if the value of the use of the thing misused is \$300,000 [~~\$200,000~~] or more.

SECTION 27. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the

C.S.H.B. No. 1530

1 effective date of this Act if any element of the offense occurred
2 before that date.

3 SECTION 28. This Act takes effect September 1, 2015.